

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, UNITED STATES COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Case No. 08 MJ 0873
 Plaintiff,)
 v.) COMPLAINT FOR VIOLATION OF:
 Francisco PRIETO-Ruiz,) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
) Transportation of Illegal
) Aliens
 Defendant(s))

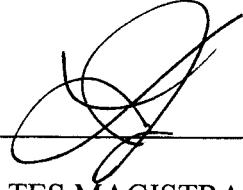
The undersigned complainant, being duly sworn, states:

On or about **March 19, 2008**, within the Southern District of California, defendant **Francisco PRIETO-Ruiz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Marlen GARCIA-Melendez**, **Rufina RODRIGUEZ-Mendez**, and **Griselda TORRES-Garcia** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20st DAY OF March 2008.



 Leo S. Papas
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Francisco PRIETO-Ruiz****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Marlen GARCIA-Melendez, Rufina RODRIGUEZ-Mendez, and Griselda TORRES-Garcia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 19, 2008, Border Patrol Agent John D. Welter was assigned to patrol duties in the Campo Station area of operations. At approximately 8:50 a.m., Agent Welter encountered a white Dodge Dakota traveling westbound on Highway 94 near Church Road. This area is located approximately three miles north of the US/Mexico border, and approximately 18 miles east of the Tecate Port of Entry.

Agent Welter noticed that the vehicle was moving at an extremely low rate of speed along the gravel shoulder of the roadway. In an attempt to make sure that the driver of the truck was not operating a disabled vehicle, Agent Welter activated his emergency overhead lights and pulled up to the rear of the vehicle. The vehicle immediately came to a stop. Agent L. Gutierrez arrived on scene at this time. Upon approaching the Dakota, Agent Welter noticed a large sheet of plywood above the floor of the truck-bed. He then found several individuals underneath the sheet of plywood. Agent Welter identified himself as a Border Patrol Agent, and verbally ordered the driver out of the vehicle, later identified as the defendant **Francisco PRIETO-Ruiz**. Agent Welter conducted an immigration inspection. The defendant admitted to being a citizen of Mexico illegally in the United States. Agent Welter then questioned the other occupants. All twelve admitted to being citizens and nationals of Mexico without immigration documents to be in the United States legally. At approximately 9:00 AM, the all the thirteen individuals including the defendant were arrested and transported to the Campo Border Patrol station.

DEFENDANT STATEMENT:

The defendant **Francisco PRIETO-Ruiz** admitted to being a citizen and national of Mexico and that he was present in the United States illegally. The defendant stated that he crossed the U.S/ Mexico border illegally under a fence near Tecate. The defendant stated that nobody in the group wanted to drive the so he volunteered.

CONTINUATION OF COMPLAINT:**Francisco PRIETO-Ruiz****A# 22 424 514****PR#0803-0601****MATERIAL WITNESSES STATEMENTS:**

Material witnesses **Marlen GARCIA-Melendez**, **Rufina RODRIGUEZ-Mendez**, **Griselda TORRES-Garcia** agreed in summary that they are citizens and nationals of Mexico illegally present in the United States. They all admit to entering the United States illegally. All material witnesses stated that they were going to pay a fee to be smuggled into the United States. All the material witnesses were shown a photographic line up and were able to positively identified the defendant **Francisco-PRIETO-Ruiz** as the driver of the vehicle.